

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:17-cv-00457-MOC

FREDY ADALBERT RODRIGUEZ ALFARO,)
)
 Petitioner,)
)
 Vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

ORDER OF DISMISSAL

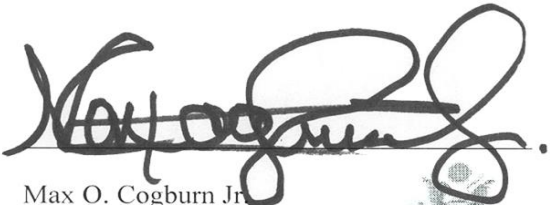
THIS MATTER is before the Court for purposes of an initial screening. In conducting such review, the Court has determined from a review of Bureau of Prison records that petitioner was released from custody on October 12, 2017. He has not provided the Court with a forwarding address and the Court concludes that petitioner, convicted of illegal reentry, has been deported.

While a petitioner is incarcerated, his challenge to the validity of his incarceration is a live case or controversy; however, when he is released from prison the suit becomes moot unless he can demonstrate some “collateral consequence” that is ongoing beyond the expiration of his sentence and is “likely to be redressed by a favorable judicial decision.” Spencer v. Kemna, 523 U.S. 1, 7 (1998). There is a presumption that a wrongful conviction has continuing collateral consequences. Sibron v. New York, 392 U.S. 40 (1968). Here, petitioner has not met that burden. Petitioner has not made any showing and appears to have abandoned this action as he has not provided the Court with a forwarding address. Since there has been no showing of a recognized injury or potential injury, there is no live case or controversy for resolution by this Court and the action will be dismissed without prejudice.

ORDER

IT IS, THEREFORE, ORDERED that this action is **DISMISSED** without prejudice.

Signed: March 16, 2018



Max O. Cogburn Jr.
United States District Judge